

AMENDED IN SENATE JUNE 17, 2010

AMENDED IN ASSEMBLY JANUARY 13, 2010

AMENDED IN ASSEMBLY JANUARY 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1504**

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**Introduced by Assembly Member Skinner  
(Principal coauthor: Assembly Member Chesbro)**

February 27, 2009

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An act to amend Sections 4512 and 4513 of, to add Section 4512.5 to, and to add Chapter 3 (commencing with Section 4040) to Part 1 of Division 4 of, 4513, 4551, and 4582 of, and to add Section 4512.5 to, the Public Resources Code, relating to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1504, as amended, Skinner. Forest resources: carbon sequestration.

The

(1) *The Z'berg-Nejedly Forest Practice Act of 1973*, which regulates timber harvesting, contains legislative findings and declarations relative to forest resources, including a declaration that it is the policy of the state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to other specified public needs. The act also states the Legislature's intent to create and maintain an effective and comprehensive system of regulation and use of all timberlands to assure that the goal of maximum sustained production of high quality timber products is achieved while giving consideration to specified values.

This bill would include in that list of specified public needs and that list of specified values sequestration of carbon dioxide. The bill also would make other legislative findings and declarations relative to carbon dioxide sequestration as it relates to forests.

~~The bill would require the Department of Forestry and Fire Protection, in consultation with the State Air Resources Board, by March 1, 2011, to assess the capacity of its forest and rangeland regulations and nonregulatory forestry programs to meet or exceed the state's greenhouse gas reduction goals, consistent with the scoping plan adopted by the board pursuant to the California Global Warming Solutions Act of 2006. The department would be required to publish a draft assessment by December 1, 2010, for public review and comment. The bill would require the board, in consultation with the department, to convene an independent panel to peer-review the draft assessment, and would require the department to incorporate the panel's findings and recommendations or describe in writing the reasons for rejecting a finding or recommendation. The bill would provide that the implementation of these requirements is contingent upon the receipt of sufficient funding.~~

*(2) The act requires the Board of Forestry and Fire Protection to adopt district forest practice rules and regulations in accordance with specified policies to, among other things, assure the continuous growing and harvesting of commercial forest tree species.*

*This bill would also require the board to ensure that its rules and regulations that govern the harvesting of commercial forest tree species consider the capacity of forest resources to sequester carbon dioxide emissions sufficient to meet or exceed the state's greenhouse gas reduction goals, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006.*

*(3) The act requires a timber harvesting plan to be filed with the Department of Forestry and Fire Protection by a specified person if that person plans to harvest the timber on the land. The act requires the plan to include, among other things, an outline of the methods to be used to avoid excessive accelerated erosion from timber operations to be conducted within the proximity of a stream.*

*This bill would also require the plan to include an estimate of the net emissions of carbon dioxide from timber operations.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Chapter 3 (commencing with Section 4040) is~~  
2     ~~added to Part 1 of Division 4 of the Public Resources Code, to~~  
3     ~~read:~~

4  
5             ~~CHAPTER 3. FORESTS AND CARBON EMISSIONS~~  
6

7     ~~4040. (a) The department, in consultation with the State Air~~  
8     ~~Resources Board, by March 1, 2011, shall assess the capacity of~~  
9     ~~its forest and rangeland regulations and nonregulatory forestry~~  
10    ~~programs to meet or exceed the state's greenhouse gas reduction~~  
11    ~~goals, consistent with the scoping plan adopted by the State Air~~  
12    ~~Resources Board pursuant to the California Global Warming~~  
13    ~~Solutions Act of 2006 (Division 25.5 (commencing with Section~~  
14    ~~38500) of the Health and Safety Code). The department shall~~  
15    ~~consider at least all of the following in its assessment:~~

16    ~~(1) Whether relevant statutory or regulatory requirements~~  
17    ~~governing a timber harvesting plan, sustained yield plan or its~~  
18    ~~equivalent, nonindustrial timber management plan, or any other~~  
19    ~~discretionary approval for timber harvesting are sufficient to ensure~~  
20    ~~a net reduction or sequestration of carbon emissions from primary~~  
21    ~~forest carbon sources, sinks, or reservoirs.~~

22    ~~(2) Whether regulations governing conversion of timberland,~~  
23    ~~as defined by Section 4526, and forest land, as defined by~~  
24    ~~subdivision (g) of Section 12220, to nontimber and nonforest uses~~  
25    ~~are sufficient to offset lost sequestration capacity and carbon~~  
26    ~~emissions associated with the nontimber use.~~

27    ~~(3) Whether forest growth, harvest, and conversion information~~  
28    ~~obtained through the department's regulatory and nonregulatory~~  
29    ~~programs and other local, state, and federal sources is sufficient~~  
30    ~~and reliable in tracking changes to carbon stocks, including net~~  
31    ~~emissions and reductions, across the state's forested landscape.~~

32    ~~(b) (1) By December 1, 2010, the department shall publish a~~  
33    ~~draft assessment, including any recommendations, for public~~  
34    ~~review and comment. The period for public review and comment~~  
35    ~~shall be at least 30 days.~~

36    ~~(2) The State Air Resources Board, in consultation with the~~  
37    ~~department, shall convene an independent panel of at least three~~  
38    ~~qualified experts to peer-review the draft assessment. The State~~

~~Air Resources Board shall select at least two of the experts from academia.~~

~~(3) The department shall incorporate the panel's findings and recommendations or describe in writing the reasons, based on substantial evidence, for rejecting a finding or recommendation.~~

~~(e) (1) For the purposes of this section, "net reduction or sequestration of carbon emissions" means an increase in carbon stocks over time of a primary forest carbon source, sink, or reservoir, compared to a baseline.~~

~~(2) For the purposes of this section, "primary forest carbon source, sink, or reservoir" includes standing live or dead trees, soil, shrubs and herbaceous understory, lying dead wood, litter, duff, and forest products.~~

~~(d) This section shall be implemented only if the department receives sufficient funding from the State Air Resources Board pursuant to Section 38597 of the Health and Safety Code or from any other public or private source.~~

~~SEC. 2.~~

*SECTION 1.* Section 4512 of the Public Resources Code is amended to read:

4512. (a) The Legislature hereby finds and declares that the forest resources and timberlands of the state are among the most valuable of the natural resources of the state and that there is great concern throughout the state relating to their utilization, restoration, and protection.

(b) The Legislature further finds and declares that the forest resources and timberlands of the state furnish high-quality timber, recreational opportunities, and aesthetic enjoyment while providing watershed protection and maintaining fisheries and wildlife.

(c) The Legislature thus declares that it is the policy of this state to encourage prudent and responsible forest resource management calculated to serve the public's need for timber and other forest products, while giving consideration to the public's need for watershed protection, fisheries and wildlife, sequestration of carbon dioxide, and recreational opportunities alike in this and future generations.

(d) It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

~~SEC. 3.~~

*SEC. 2.* Section 4512.5 is added to the Public Resources Code, to read:

4512.5. The Legislature finds and declares all of the following:

(a) State forests play a critical and unique role in the state's carbon balance by sequestering carbon dioxide from the atmosphere and storing it long term as carbon.

(b) Globally, deforestation is responsible for about 20 percent of anthropogenic greenhouse gas emissions. However, forests are also the most expandable long-term carbon dioxide sinks.

(c) According to the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), the state's forests currently are an annual net sequester of five million metric tons of carbon dioxide (5MMTCO<sub>2</sub>). In fact, the forest sector is the only sector included in the scoping plan that provides a net sequestration of greenhouse gas emissions.

(d) The scoping plan proposes to maintain the current 5MMTCO<sub>2</sub> annual sequestration rate through 2020 by implementing "sustainable management practices," which include potential changes to existing forest practices and land use regulations.

(e) There is increasing evidence that climate change has and will continue to stress forest ecosystems, which underscores the importance of proactively managing forests so that they can adapt to these stressors and remain a net sequester of carbon dioxide.

(f) The board, the department, and the State Air Resources Board should strive to go beyond the status quo sequestration rate and ensure that their policies and regulations reflect the unique role forests play in combating climate change.

~~SEC. 4.~~

*SEC. 3.* Section 4513 of the Public Resources Code is amended to read:

4513. It is the intent of the Legislature to create and maintain an effective and comprehensive system of regulation and use of all timberlands so as to ensure both of the following:

(a) Where feasible, the productivity of timberlands is restored, enhanced, and maintained.

(b) The goal of maximum sustained production of high-quality timber products is achieved while giving consideration to values relating to sequestration of carbon dioxide, recreation, watershed, wildlife, range and forage, fisheries, regional economic vitality, employment, and aesthetic enjoyment.

*SEC. 4. Section 4551 of the Public Resources Code is amended to read:*

4551. (a) The board shall adopt district forest practice rules and regulations for each district in accordance with the policies set forth in Article 1 (commencing with Section 4511) of this chapter and pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code to assure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, ~~and~~ wildlife, and water resources, including, but not limited to, streams, lakes, and estuaries.

(b) *The board shall ensure that its rules and regulations that govern the harvesting of commercial tree species, where applicable, consider the capacity of forest resources, including above-ground and below-ground biomass and soil, to sequester carbon dioxide emissions sufficient to meet or exceed the state's greenhouse gas reduction goals, consistent with the scoping plan adopted by the State Air Resources Board pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).*

*SEC. 5. Section 4582 of the Public Resources Code is amended to read:*

4582. The timber harvesting plan shall be filed with the department in writing by a person who owns, leases, or otherwise controls or operates on all or any portion of any timberland and who plans to harvest the timber thereon. If the person who files the plan is not the owner of the timberland, the person filing the plan shall notify the timberland owner by certified mail that the plan has been submitted and shall certify that mailing to the department. The plan shall be a public record and shall include all of the following information:

(a) The name and address of the timber owner.

(b) The name and address of the timber operator if known at the time of filing. If the timber operator is not known at the time of filing, the plan submitter shall notify the department as soon as

1 the timber operator is known, but in any case before timber  
2 operations begin.

3 (c) A description of the land on which the work is proposed to  
4 be done, including a United States Geological Survey quadrangle  
5 map or equivalent indicating the location of all streams, the location  
6 of all proposed and existing logging truck roads, and indicating  
7 boundaries of all site I classification timberlands to be stocked in  
8 accordance with subdivision (b) of Section 4561 and any other  
9 site classifications if the board establishes specific minimum  
10 stocking standards for other site classifications.

11 (d) A description of the silvicultural methods to be applied,  
12 including the type of logging equipment to be used.

13 (e) An outline of the methods to be used to avoid excessive  
14 accelerated erosion from timber operations to be conducted within  
15 the proximity of a stream.

16 (f) *An estimate of the net emissions of carbon dioxide from*  
17 *timber operations, including emissions from above-ground and*  
18 *below-ground carbon pools, such as biomass and soil.*

19 ~~(f)~~

20 (g) Special provisions, if any, to protect any unique area within  
21 the area of timber operations.

22 ~~(g)~~

23 (h) The expected dates of commencement and completion of  
24 timber operations.

25 ~~(h)~~

26 (i) A certification by the registered professional forester  
27 preparing the plan that he or she or a designee has personally  
28 inspected the plan area.

29 ~~(i)~~

30 (j) Any other information the board provides by regulation to  
31 meet its rules and the standards of this chapter.

32 ~~(j) This section shall become operative on January 1, 1996.~~